

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

July 18, 2005

At 9:36 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Davis, Associate Justice; Butz, Associate Justice and Guzman, bailiff

C047045 TRUCK INSURANCE EXCHANGE v. ASSURANCE COMPANY OF AMERICA et al.

Cause called. Richard L. Antognini argued for appellant. Blaise S. Curet argued for respondents. Cause submitted.

At 9:56 a.m., the court recessed. At 10:01 a.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Butz, Associate Justice.

C046142 THE PEOPLE v. VILLANUEVA

Cause called. Gordon S. Brownell, court appointed counsel, argued for appellant. Patrick J. Whelan, Deputy Attorney General, argued for respondent. Cause submitted.

C045709 COACHMEN INDUSTRIES, INC. v. FREIGHTLINER CORPORATION et al.

Cause called. David L. Winnett argued for appellant. Peter M. Hart argued for respondents. Cause submitted.

At 10:29 a.m., the court recessed. At 10:32 a.m., the court reconvened with Davis, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C048298 RIO LINDA [UNION ELEMENTARY] SCHOOL DISTRICT v. WORKERS' COMPENSATION APPEALS BOARD et al.

Cause called. Richard J. Berryhill argued for petitioner. Cosimo Aiello argued for respondent Scheftner. Cause submitted.

At 11:06 a.m., the court recessed until 9:30 a.m., Tuesday, July 19, 2005.

C046127 THE PEOPLE v. DUNLAP

(Not for Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Morrison, J.

Robie, J.

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- C047139 THE PEOPLE v. GOLDSMITH (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C047237 THE PEOPLE v. LAWSON (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C047792 THE PEOPLE v. BOWENS (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Morrison, Acting P.J.
Butz, J.
- C047959 THE PEOPLE v. VESS (Not for Publication)**
The matter is remanded to the trial court with instructions to vacate its
order... In all other respects, the judgment is affirmed.
SIMS, Acting P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.
- C046440 MARQUEZ v. COUNTY OF BUTTE (Not for Publication)**
The order denying Marquez's petition to file a late claim is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C047746 In re ERICA S. et al.; SISKIYOU COUNTY HUMAN SERVICES DEPARTMENT
v. STEVE S. (Not for Publication)**
The order of the juvenile court is affirmed.
SIMS, Acting P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.

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July 19, 2005, continued

C046953 In re JORELL G.; THE PEOPLE v. JORELL G.

Cause called. Thea Greenhalgh, court appointed counsel, argued for appellant. Brook A. Bennigson, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:32 a.m., the court recessed. At 10:36 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice and Robie, Associate Justice.

C047525 CITY OF DAVIS v. HEAD, as Trustee, etc., et al.

Cause called. G. Richard Brown argued and Stacey N. Sheston appeared only for appellant. Frederick G. Girard argued for respondents. Cause submitted.

C047786 CITY OF DAVIS v. HEAD, as Trustee, etc., et al.

Cause called. G. Richard Brown argued and Stacey N. Sheston appeared only for appellant. Frederick G. Girard argued for respondents. Cause submitted.

At 11: 10 a.m., the court recessed. At 2:03 p.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice and Butz, Associate Justice.

C046984 ALARCON v. ALARCON

Cause called. Herman A. D. Franck argued for appellant. Ramon H. Concepcion, Jr. argued for respondent and submitted additional citations. Cause submitted.

At 2:24 p.m., the court recessed. At 2:26 p.m. the court reconvened with Raye, Associate Justice; Hull, Associate Justice and Cantil-Sakauye, Associate Justice.

C046674 CITY OF CITRUS HEIGHTS v. MORGAN et al.

Cause called. Colleen M. O'Brien argued for appellant. William T. Chisum argued for respondent. Cause submitted.

At 2:59 p.m., the court recessed. At 3:03 p.m., the court reconvened with Morrison, Associate Justice; Robie, Associate Justice and Butz, Associate Justice.

C044371 MORGAN v. ADAMS et al.

Cause called. Luke G. Conley argued for appellant. Lawrence T. Ring argued for respondents Adams et al. Gerald H. Beaudoin argued for respondents Security Pacific Etc. et al. Cause submitted.

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July 19, 2005, continued

At 3:28 p.m., the court recessed. At 3:32 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice and Butz, Associate Justice.

**C047783 CITY OF STOCKTON et al. v. LAND UTILIZATION ALLIANCE and
SHADOWBIRD, INC.**

Cause called. Paul S. Marks argued for appellant. Wylie P. Cashman argued for respondents. Cause submitted.

At 4:01 p.m., the court recessed until 9:30 a.m., Wednesday, July 20, 2005.

MISC.ORDER 2005-006

By The Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on July 22, 2005, through July 26, 2005, or until his return. (See Cal. Const. Art 6, Sec. 3) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C041733 THE PEOPLE v. LANGLEY et al. (Not for Publication)

The judgment with respect to defendant Langley is affirmed...
BUTZ, J.

We Concur: Davis, Acting P.J.
 Hull, J.

C044964 THE PEOPLE v. SCOTT et al. (Not for Publication)

The judgment with respect to defendant Scott is affirmed...
SIMS, Acting P.J.

We Concur: Davis, J.
 Morrison, J.

C047046 THE PEOPLE v. STUART (Not for Publication)

The judgment of conviction is affirmed. The cause is remanded for resentencing consistent with this opinion.

SIMS, Acting P.J.
We Concur: Davis, J.
 Robie, J.

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- C047246 THE PEOPLE v. LOVE (Not for Publication)**
The conviction for false imprisonment (§236) is reversed. The sentence is modified...As so modified, the judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.
- C046773 In re JOHN T.; DEPARTMENT OF HEALTH & HUMAN SERVICES v.
MONIQUE T. and WILLIAM D. et al.**
- C047265 In re JOHN T.; DEPARTMENT OF HEALTH & HUMAN SERVICES v.
MONIQUE T. (Not for Publication)**
The order of the juvenile court is affirmed.
BLEASE, Acting P.J.
We Concur: Morrison, J.
 Butz, J.
- C041714 THE PEOPLE v. HILL et al.**
BY THE COURT:
The requests of respondent and of the Orange County District Attorney to publish the opinion filed on June 30, 2005, are denied.
BLEASE, Acting P.J.

July 20, 2005

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Butz, Associate Justice; Cantil-Sakauye, Associate Justice and Facey, bailiff.

- C050115 INDEPENDENT ENERGY PRODUCERS ASSOCIATION et al. v.
MCPHERSON as Secretary of State, etc. and FINKELSTEIN et al.**
Cause called. Richard D. Martland and James R. Parrinello argued for petitioners. Hiren Patel, Deputy Attorney General, argued for respondents. Robin B Johansen and Michel Peter Florio argued for real parties in interest. Cause submitted.

At 10:30 a.m., the court recessed until 9:30 a.m., Monday, July 25, 2005.

- C046290 THE PEOPLE v. WINN (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Davis, J.
 Butz, J.

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- C048575 THE PEOPLE v. SOMATIS (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Raye, J.
Hull, J.
- C045744 MULLEN et al. v. TAYLOR (Not for Publication)**
The judgment is affirmed. Defendant Taylor shall recover his costs on appeal. (Cal. Rules of Court, rule 27(a).)
BLEASE, Acting P.J.
We Concur: Sims, J.
Hull, J.
- C045429 THE PEOPLE v. SHELMIRE**
BY THE COURT:
Appellant's petition for rehearing is denied.
SIMS, Acting P.J.
- C050145 THE PEOPLE v. GARCIA**
BY THE COURT:
Appellant's request to have the appeal in the above-entitled matter heard in the appellate division of the Sutter County Superior Court is treated as a request to transfer and as such is granted. (People v. Garcia (2005) 128 Cal. App. 4th 33.) The matter is hereby transferred to the appellate division of the Sutter County Superior Court.
SCOTLAND, P.J.

July 21, 2005

- C047068 MCKINLEY v. XL SPECIALTY INSURANCE COMPANY**
(Not for Publication)
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Nicholson, J.
Raye, J.
- C044621 THE PEOPLE v. GOMEZ**
BY THE COURT:
Respondent's petition for rehearing is denied.
RAYE, J.

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C046294	THE PEOPLE v. GALVEZ The judgment is affirmed. MORRISON, J. We Concur: Nicholson, Acting P.J. Hull, J.	(Not for Publication)
C046346	THE PEOPLE v. CARPENTER The judgment is affirmed. MORRISON, Acting P.J. We Concur: Hull, J. Cantil-Sakauye, J.	(Not for Publication)
C046349	THE PEOPLE v. RATTERMAN The judgment is affirmed... MORRISON, J. We Concur: Scotland, P.J. Butz, J.	(Not for Publication)
C046478	THE PEOPLE v. BURKE, JR. The judgment is affirmed. BLEASE, J. We Concur: Scotland, P.J. Raye, J.	(Not for Publication)
C047608	THE PEOPLE v. RUMPH The judgment is affirmed. SIMS, Acting P.J. We Concur: Nicholson, J. Cantil-Sakauye, J.	(Not for Publication)
C048209	THE PEOPLE v. ROBERTS The judgment is affirmed. SIMS, Acting P.J. We Concur: Nicholson, J. Cantil-Sakauye, J.	(Not for Publication)
C045585	HICKMAN v. HICKMAN The matter is remanded for the trial court to rule on Steven's motion for sanctions... MORRISON, J. We Concur: Sims, Acting P.J. Davis, J.	(Not for Publication)

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- C047990 In re CHARLES G.; THE PEOPLE v. CHARLES G.**
(Not for Publication)
 The judgment is affirmed.
 SIMS, Acting P.J.
We Concur: Nicholson, J.
 Cantil-Sakauye, J.
- C049138 In re J.C.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v. T.C.**
(Not for Publication)
 The judgment is affirmed.
 SCOTLAND, P.J.
We Concur: Sims, J.
 Nicholson, J.
- C050115 INDEPENDENT ENERGY PRODUCERS ASSOCIATION et al. v.**
McPHERSON, as Secretary of State, etc. and FINKELSTEIN et al.
(CERTIFIED FOR PUBLICATION)
 Let a peremptory writ of mandate issue...
 SCOTLAND, P.J.
We Concur: Butz, J.
 Cantil-Sakauye, J.
- C043001 THE PEOPLE v. WEBB**
BY THE COURT:
 Appellant's petition for rehearing is denied.
 RAYE, Acting P.J.